Functioning of jails

*314. SHRI SANJAY RAUT: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the functioning of jails in the country has not improved despite the recommendations given by various Reforms Commissions and Committees;

(b) if so, the reasons therefor;

(c) the number of deaths/suicides occurred in jails during the last three years; and

(d) the number of undertrials for over ten years in jails and those without trial for over two years?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO GAVIT): (a) and (b) "Prisons" is a state subject under List II of the Seventh Schedule to the Constitution of India and, therefore, functioning of jails comes under the realm of the respective State Governments. Committees set up to look into issues relating to prison reforms and correctional administration have made several recommendations to improve the functioning and condition in prisons. Most of these recommendations primarily focused on tightening of security in prisons, improving the physical conditions and providing basic amenities to prisoners. Emphasis was also laid on vocational rehabilitative programmes with a view to integrate prisoners into society once they complete their sentence.

The Central Government has also taken the following measures to supplement the efforts of the State Governments in this regard:-

(1) The Government of India is implementing the Scheme for Modernization of Prisons to reduce overcrowding and improving the condition in prisons. The components of the Scheme include construction of new jails, repair and renovation of existing jails, improvement in sanitation and water supply and construction of staff quarters for prison personnel.

(2) Advisories have been issued to the State Governments for strengthening security in jails.

(3) The Government of India had prepared a Model Prison Manual which was circulated to all the State Governments/ Union Territories for their guidance. The manual aims at bringing in basic uniformity in laws, rules and regulations governing every aspect of prison administration and management.

(4) With a view to provide relief to undertrial prisoners, a new section *viz.* 436A of the Code of Criminal Procedure, 1973 has been inserted in the Code to provide that where an undertrial prisoner other than the one

accused of an offence for which death has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment, provided for the alleged offence, he should be released on his personal bond, with or without sureties. It also provides that in no case will an undertrial prisoner be detained beyond the maximum period of imprisonment for which he can be convicted for the alleged offence.

Section 436 (1) of the Code of Criminal Procedure, 1973 has also been amended to make a mandatory provision 'that if the arrested person is accused for a bailable offence and he is an indigent and cannot furnish surety, the Court shall release him on his execution of a bond without, sureties.

(5) In 2006, the Government of India has introduced the system of plea bargaining primarily to reduce pendency of cases in trial courts and overcrowding in prisons.

(6) For disposal of long pending sessions and other cases, Government of India has also set up 1562 Fast Track Courts which have disposed off a total of 10.4 lakh cases out of 18.2 lakh cases transferred to them.

(c) As per the statistics compiled by the National Crime Records Bureau (NCRB) till 2005, the number of deaths/suicides which occurred in jails during the last three years with reference to that year are at Statement-I (*See* below).

(d) As per available information compiled by NCRB, till December, 2005, the number of undertrial, prisoners by period of detention is enclosed at Statement-II.

Statement-I

Incidence of deaths of inmates due to various causes in prisons during 2003 to 2005

Sl. No.	Year	Natural Deaths	Unnatural Deaths			Total (COL.3+ COL.6)
			Suicide	Other Unnatural Deaths Including Executions	Total Unnatural Deaths	
1.	2003	973	45	42	87	1060
2.	2004	1038	51	80	131	1169
3.	2005	1320	40	27	67	1387

Statement-II

Number of undertrial prisoners by period of detention

Year	Upto 3 Months			3-6 Months			6-12 Months			1-2 year			2-3 years			3-5 years			Above 5 years			Total		
	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T
2000	NA	NA	78316	NA	NA	43799	NA	NA	34419	NA	NA	22488	NA	NA	9629	NA	NA	4152	NA	NA	824	NA	NA	193627
2001	86452	3048	89500	46628	1666	48924	38274	1318	39592	24877	761	25638	11349	249	11597	4823	109	4932	1233	31	1264	213635	7182	220817
2002	88944	3720	92664	47023	1683	48706	36402	1243	37645	25618	701	26319	11617	281	11898.	4660	120	4780	1013	13	1026	215277	7761	223038
2003	88456	3499	91955	46533	1689	48222	36516	1228	37744	22155	851	23006	10150	278	10428	4716	106	4822	1418	63	1481	209944	7714	217658
2004	84319	3688	88007	40675	1728	42403	38331	1318	39649	27301	722	28023	11010	262	11272	5613	94	5707	2029	40	2069	209278	7852	217130
2005*	93797	4106	97903	48246	2098	50344	42088	1492	43580	25157	868	26025	11032	337	11369	5840	131	5971	1846	38	1884	228006	9070	237076

'NA' indicates data not available (data was not being collected in this year)